

SIXTH DAY

(Wednesday, October 11, 1972)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message From the Governor

The following message received from the Governor was read and referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas,
October 11, 1972,

To the Senate of the Sixty-Second Legislature, Fourth Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To Be a Member of the State Board of Public Welfare: To replace Will W. Bond of Hillsboro, Hill County, term to expire January 19, 1975, who has resigned: H. G. (Pete) Andrews, Jr., of Stamford, Jones County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Message From the House

Hall of the House of Representatives
Austin, Texas,
October 11, 1972,

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 12, Requesting the Advisory Council for Technical-Vocational Education in Texas to develop a statewide conference on technical-vocational education in February, 1973 with the Legislature joining in the sponsorship of the conference.

H. B. No. 68, Appropriating funds for financing of primary elections held during the year 1972; and declaring an emergency.

H. B. No. 77, Relating to the age of children under the jurisdiction of the juvenile court, amending Chapter 204, Acts of the 48th Legislature, 1943, as amended (Article 2338-1, Vernon's Texas Civil Statutes), and Section 2, Article 30, Penal Code of Texas, 1925; providing for severability; repealing all laws in conflict therewith to the extent of such conflict only; and declaring an emergency.

H. B. No. 78, Appropriating state funds to the Central Education Agency for allocation to a junior college district to establish an occupational extension center; providing for the use of federal funds for the center; and declaring an emergency.

H. B. No. 80, A bill to be entitled "An Act authorizing the appointment of a juvenile officer in certain counties; amending Sections 1, 2, and 3, Chapter 508, Acts of the 61st Legislature, Regular Session, 1969 (Article 5139AAA, Vernon's Texas Civil Statutes); and declaring an emergency."

H. C. R. No. 9, That the Legislature of Texas memorialize the Congress of the United States to give immediate consideration to the problem of drug addiction of veterans and to allow these veterans to use the services and facilities of the Veterans' Administration in their fight against drugs.

H. C. R. No. 16, Requesting permission for Louise O. Hammett, individually and as Administratrix of the Estate of Penn B. Hammett, deceased,

to sue the State of Texas and the State Commission for the Blind.

H. C. R. No. 15, Granting permission to Joe Henry Wilson to sue the State of Texas and the State Highway Department.

H. C. R. No. 28, In memory of Mrs. B. W. Johnson.

H. C. R. No. 29, Commending the Rodent and Predatory Animal Control Service.

H. B. No. 16, A bill to be entitled "An Act making an appropriation to the Department of Mental Health and Mental Retardation for the design and construction of the Fort Worth State School; and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act appropriating money to the University of Texas System for the University of Texas Medical School at Houston and to the Texas Tech University School of Medicine at Lubbock for construction of facilities; and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act making appropriations to Texas A&I University; providing for severability; and declaring an emergency."

H. B. No. 45, A bill to be entitled "An Act relating to the membership of the Bell County Juvenile Board and the compensation of its members; amending Chapter 120, Acts of the 58th Legislature, 1963 (Article 5139PP, Vernon's Texas Civil Statutes); amending Section 3, Chapter 208, Acts of the 60th Legislature, Regular Session, 1967 (Article 1970-350, Vernon's Texas Civil Statutes), by adding a new Subsection (f); and declaring an emergency."

S. C. R. No. 11, In memory of Morris Rowland Snelson.

H. B. No. 50, A bill to be entitled "An Act authorizing the Governor of the State of Texas to determine certain facts specified by the Legislature as a prerequisite to the expenditure of certain appropriations; thereto; and declaring an emergency."

H. B. No. 51, A bill to be entitled "An Act granting to the Governor authority to meet situations pre-

senting an emergency and an imperative public necessity; establishing procedures to be utilized; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act authorizing the Texas Board of Corrections to convey the fee-simple title to the surface of a certain stateowned tract of land to a certain party, with mineral reservations and drilling restrictions in exchange for certain land of equal acreage on the same terms."

S. B. No. 18, A bill to be entitled "An Act exempting certain aviation schools and instructors from the Texas Proprietary School Act; amending Subsection (a), Section 32.12, Texas Education Code; and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act relating to the promotion of the development of the film, television, and multimedia production industry in Texas by establishing the Texas Film Commission in the office of the Governor; making an appropriation; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Resolution on First Reading

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 4, To Committee on State Affairs.

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. 9.

S. C. R. 10.

Senate Resolution 63 on Second Reading

The President laid before the Senate on its second reading the following resolution:

S. R. No. 63, Providing for the appointment by the Lieutenant Governor of a five-member committee to study the operation of conservation and reclamation districts.

The resolution was read.

(Senator Aikin in Chair.)

Senator Brooks offered the following Committee Amendment to the resolution:

Amend S. R. No. 63 by striking all resolving clauses and substituting in lieu thereof the following:

"Resolved, By the Senate of the State of Texas, that a seven-member committee be appointed to investigate and determine whether any abuses have occurred in the operation of such districts and if such abuses are determined to have occurred, to review the present constitutional provisions, laws and regulations relating to the creation and operation of conservation and reclamation districts to eliminate the possibility of future abuses; and be it further

"Resolved, That two members of the committee shall be the chairman of the Texas Water Rights Commission or his designated representative and the chairman of the Texas Water Quality Board or his designated representative, and that the Lieutenant Governor shall appoint the other five members of the committee, three of whom shall be from the membership of the Senate, and two of whom shall be private citizens, and, be it further

"Resolved, That actual expenses of members of the committee, and other necessary expenses of operation in connection with committee activities shall be paid from the Contingent Expenses Fund of the Senate; the committee shall prepare a budget for its operating expenses, which shall be submitted to the Senate Administration Committee of the Senate, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenses must also be obtained from the Senate Administration Committee; and, be it further

"Resolved, That the committee shall be designated the Senate Committee on Special Districts, and that the committee shall prepare a written report to be submitted to the Governor and both Houses of the Legislature not later than March 1, 1973, containing the findings and recommendations of the committee."

The Committee Amendment was read and was adopted.

The resolution as amended was

read and adopted by the following vote:

Yeas—26

Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Tippen
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	Word

Nays—5

Aikin	Creighton
Blanchard	Harris
Connally	

Reports of Standing Committees

Senator Mauzy submitted the following report for the Committee on Education:

S. B. No. 40.

Senator Creighton submitted the following report for the Committee on Natural Resources:

C. S. S. B. No. 26 (Read first time).

C. S. S. B. No. 24 (Read first time).

Committee Substitute Senate Bill 16 on Second Reading

Senator Mauzy moved to suspend the regular order of business and take up C. S. S. B. No. 16 for consideration at this time.

Senator Blanchard raised the Point of Order that C. S. S. B. No. 16 could not be considered at this time as the bill had not been on the Members' desks for twenty-four hours.

The Presiding Officer overruled the Point of Order.

The motion prevailed by the following vote:

Yeas—23

Aikin	Grover
Beckworth	Hall
Bernal	Harrington
Bridges	Herring
Brooks	Hightower
Christie	Jordan

Kothmann	Snelson
Mauzy	Tippen
McKool	Wallace
Moore	Wilson
Schwartz	Word
Sherman	

Nays—8

Bates	Harris
Blanchard	Kennard
Connally	Patman
Creighton	Watson

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 16, A bill to be entitled "An Act relating to competitive rates and rate-making authority for all lines of insurance except those specified herein as being subject to the provisions of this Act; providing procedures, methods, regulations, and safeguards for carrying out the provisions of this Act; adding Subchapter I to Chapter 5, Texas Insurance Code, as amended; amending Section 35, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes), Section 1, Chapter 50, Acts of the 53rd Legislature, Regular Session, 1953 (Article 5.77, Vernon's Texas Insurance Code); and Section 20, Article 21.14, Texas Insurance Code; providing for repeal; and severability and declaring an emergency."

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend Section 4 of the Committee Substitute for Senate Bill No. 16, to read as follows:

Sec. 4. Nothing in this Act shall be construed to nullify, void, alter, or change Chapter 15 of the Business and Commerce Code.

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend quoted Section (5) of quoted Article 5.85 in Section 1 of Senate Bill No. 16, to read as follows:

"(5) MAXIMUM RATES UNTIL SEPTEMBER 1, 1973. From the effective date of this article until September 1, 1973, the rates adopted by

the board for insurance for which it previously set rates under Subchapter A, Chapter 5, Texas Insurance Code and in effect on September 1, 1972, shall be the maximum rates for those kinds and lines of insurance. The board shall determine and adopt maximum rates to be used from the effective date of this article until September 1, 1973, in the manner provided in Sections (1) and (2) of this article within 45 days after the effective date of this subchapter for the other kinds and lines of insurance covered by this subchapter and not mentioned in the preceding sentence."

The amendment was read and was adopted.

Question—Shall C. S. S. B. No. 16 as amended be passed to engrossment?

Leave of Absence

Senator Hall was granted leave of absence for the remainder of today on account of important business on motion of Senator Word.

Committee Substitute Senate Bill 16 on Second Reading

The Senate resumed consideration of the pending business, same being C. S. S. B. No. 16 on its second reading and passage to engrossment.

Question—Shall C. S. S. B. No. 16 as amended be passed to engrossment?

Senator McKool offered the following amendment to the bill:

Amend C. S. S. B. No. 16, by adding a new Section 5, as follows, and by renumbering Sections 5 through 7 accordingly:

Section 5. Chapter 21, Texas Insurance Code, as amended, is amended by adding Article 21.51 to read as follows:

"Article 21.51. REPORTS AND INFORMATION

"(1) Any insurer authorized to write any line or kind of insurance in this State who gathers any information or who prepares any report relating to any insured or to any person who has applied for insurance in this State, on written request of the insured or the applicant or his attorney or other representative, shall make the information or report avail-

able for inspection and shall provide copies of the information and the report. The insurer may charge a fee for the copies which is adequate to cover the cost of reproducing the information and the report.

"(2) If any insurer covered by this article fails or refuses to make any information or report available or to provide copies of any information or report, the insured or applicant or his attorney or other representative may seek a court order in a district court in the county in which the insured or applicant resides to require the insurer to make the information or report available and to provide copies.

"(3) Any insurer who fails or refuses to make the information or report available or who fails or refuses to provide copies of the information or report, on conviction, is subject to a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) for each failure or refusal."

The amendment was read.

Senator Blanchard moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—8

Bates	Tippen
Blanchard	Snelson
Connally	Watson
Moore	Word

Nays—22

Aikin	Hightower
Beckworth	Jordan
Bernal	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Creighton	Patman
Grover	Schwartz
Harrington	Sherman
Harris	Wallace
Herring	Wilson

Absent—Excused

Hall

Question recurring on the adoption of the amendment, the amendment was adopted.

Record of Vote

Senators Blanchard and Word asked

to be recorded as voting "Nay" on the adoption of the amendment.

Senator Kennard offered the following amendment to the bill:

Amend the Committee Substitute for Senate Bill No. 16 as follows:

1. Following quoted Article 5.88 in Section 1 add a new Section 5.88A, to read as follows:

"Article 5.88A. TEXAS AUTOMOBILE ASSIGNED RISK POOL

"Section 1. DEFINITIONS. In this article:

"(a) 'Association' means the Texas Automobile Assigned Risk Pool Association.

"(b) 'Company' means any insurer which is authorized to write comprehensive, and collision liability, insurance in this State covering automobiles.

"(c) 'Liability insurance' means a policy or contract of insurance which will allow the insured to respond in damages for liability on account of an accident arising out of the ownership, maintenance, or use of an automobile in an amount of at least \$10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, in the amount of at least \$20,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of at least \$5,000 because of injury to or destruction of property of others in any one accident. The proof of ability to respond in damages may exclude the first \$250 of liability for bodily injury to or death of any one person in any one accident, and, subject to that exclusion for one person, may exclude the first \$500 of liability for the bodily injury to or death of two or more persons in any one accident and may exclude the first \$250 of liability for the injury to or destruction of property of others in any one accident.

"(d) 'Comprehensive insurance' means coverage in an automobile physical damage policy insuring against loss or damage resulting from numerous miscellaneous causes such as fire, theft, windstorm, flood, vandalism, but normally not including loss by collision or upset.

"(e) 'Collision insurance' means coverage in a policy of insurance for loss caused by collision to the owned

automobile or to a non-owned automobile but only for the amount of each such loss in excess of the deductible amount stated in the declarations of the policy as applicable hereto.

"Section 2. CREATION OF AND MEMBERSHIP IN THE ASSOCIATION. (a) There is created an administrative agency to be known as the Texas Automobile Assigned Risk Pool Association.

"(b) The association shall include all companies as members and these companies shall remain members of the association as long as the association is in existence.

"(c) Membership in the association shall be a condition of each company's authority to transact business in this State.

"(d) On leaving membership in the association, each company shall remain liable on policies and contracts of liability, comprehensive, and collision insurance covering an automobile entered into during its membership in the association to the same extent and effect as if its membership in the association had not been terminated.

"Section 3. GENERAL PURPOSE OF ASSOCIATION. It is the duty of the companies in the association to provide through the association liability, comprehensive, and collision insurance to any person who is in good faith entitled to such insurance in this State but is unable to secure the insurance through ordinary underwriting methods.

"Section 4. BOARD OF DIRECTORS OF THE ASSOCIATION. (a) The State Board of Insurance shall appoint a board of directors for the association which shall include five representatives of members of the association selected to represent fairly the various members of the association.

"(b) The members of the association's board shall serve for terms of two years, and successors shall be appointed as provided in Subsection (a) of this section.

"Section 5. DUTIES OF THE ASSOCIATION'S BOARD. The board of directors of the association shall handle all business of the association and shall carry out all responsibilities delegated to it by rules and regulations of the State Board of Insurance.

"Section 6. ASSIGNMENT OF RISKS BY ASSOCIATION'S BOARD. (a) On receiving an application from any person who has been denied liability, comprehensive, or collision insurance coverage for an automobile by any company and the determination that the person is in good faith entitled to such insurance, but is unable to obtain such insurance by ordinary underwriting methods, the board of directors of the association shall determine the premium for the insurance in accordance with the classifications and rates determined by the State Board of Insurance, and on payment of the premium, the board of directors of the association shall designate a company to issue the policy or contract of liability, comprehensive, and/or collision insurance on the forms prescribed by the association's board.

"(b) Any company which receives an application for liability, comprehensive, or collision insurance from any person who is in good faith entitled to such coverage but who is unable to secure the insurance under ordinary underwriting methods may request that the board of directors of the association determine the premium for the insurance in accordance with the classification and rates determined by the State Board of Insurance, and on payment of the premium, the board of directors of the association shall designate that company to issue the policy or contract of liability, comprehensive, and/or collision insurance on the forms prescribed by the association's board.

"(c) If a company issues a policy or contract of liability, comprehensive, or collision insurance to a person who is in good faith entitled to such coverage but who is unable to secure the insurance under ordinary underwriting methods, the company may reinsure the person through the association by requesting the board of directors of the association to determine the premium for the insurance in accordance with the classifications and rates determined by the State Board of Insurance, and on payment of the premium, the board of directors of the association shall designate that company to issue the policy or contract of liability, comprehensive, and/or collision insurance on the forms prescribed by the association's board.

"Section 7. REINSURANCE. (a) The undertaking of a policy under

Section 6 of this article shall be entirely reinsured by all members of the association, and the liability of the company issuing the policy or contract of liability insurance shall be limited to its liability as a reinsurer.

"(b) On all policies issued under Section 6 of this article, all companies shall be reinsurers among themselves in proportion to the amount which the premiums on the insurance written in this State during the preceding calendar year by the member bears to the total premiums written in this State during the preceding calendar year by all companies in the association, and the policy or contract of insurance may be endorsed to reflect the plan of reinsurance provided by this section.

"Section 9. RATES, POLICY FORMS, ETC. (a) The State Board of Insurance is authorized to determine, fix, prescribe, promulgate, change, or amend policy forms, endorsements, rates, rating plans, and premiums normally applicable to a risk so as to apply to any and every risk assigned by the association the policy forms, endorsements, rates, rating plans, and premiums which are commensurate with the greater hazard of the risk, considering in connection therewith, the experience and other conditions of the risk.

"(b) In promulgating a rate or rates for any risk or risks assigned by the association, the State Board of Insurance shall give due consideration to an appropriate allowance for losses, claims expense, audit expense, taxes, general administration expense, acquisition expense, inspection expense, an allowance for profit and contingencies, and any other relevant factors in connection with insuring and servicing the risk or risks.

"Section 10. RULES AND REGULATIONS. The association's board shall adopt any rules which are necessary to carry out the provisions of this article, but before the rules may be put into effect, they must be approved by the State Board of Insurance.

"Section 11. AUTHORIZATION BY COMPANIES. As a prerequisite to writing liability, comprehensive, and collision insurance in this State covering automobiles, each company shall file with the State Board of Insurance written authority permitting

the association to act on its behalf as provided in this article.

"Section 12. ANNUAL REPORT. The association shall file in the office of the State Board of Insurance annually a statement which shall summarize the transactions, conditions, operations, and affairs of the association during the preceding year. The statement shall include any matters and information which are prescribed by the State Board of Insurance and shall be in the form required by the State Board of Insurance."

2. Amend Section 2 to read as follows:

Sec. 2. Section 35, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 35. Subject to rules and regulations adopted by the board insurance companies authorized to issue motor vehicle liability policies in this state may establish an administrative agency and make necessary reasonable rules in connection therewith, relative to the formation of a plan and procedure to provide a means by which insurance may be assigned to an authorized insurance company for a person who is in good faith entitled to motor vehicle liability insurance in this state but is unable to secure it through ordinary methods; or, in amounts not to exceed the limits prescribed in Section 21(b)2 of this law, for any unit of government within the State of Texas which, acting in good faith, is unable to secure motor vehicle liability insurance in this state through ordinary methods; and may establish a plan and procedure for the equitable apportionment among such authorized companies of applicants for such policies and for motor vehicle liability policies, including, but not limited to, voluntary agreements by insurance companies to accept such assignments. When any such plan has been approved by the State Board of Insurance, all insurance companies authorized to issue motor vehicle liability policies in the State of Texas shall subscribe thereto and participate therein.

"The State Board of Insurance, in addition to the provisions prescribed by Subchapter A, Chapter 5, Texas Insurance Code of 1951, as amended, may determine, fix, prescribe, prom-

ulgate, change, and amend rates or minimum premiums normally applicable to a risk so as to apply to any and every assignment such rates and minimum premiums as are commensurate with the greater hazard of the risk, considering in connection therewith the experience, physical or other conditions of such risk of the person or municipality applying for insurance under any such plan.

"The provisions of this section do not apply to liability, comprehensive, and collision insurance which is covered by Article 5.88A of the Texas Insurance Code."

3. Amend Subsection (a), Section (1), of quoted Article 5.87 in Section 1, to read as follows:

"(a) If the board finds after a hearing that in any part of this state property insurance except insurance covering automobiles is not readily available in the voluntary market, and that the public interest requires this availability, it may by rule either adopt plans to provide the insurance coverages for any risks in this state which are equitably entitled to but otherwise unable to obtain the coverage, or may call upon the industry to prepare plans for its approval."

4. Amend Section (1) of quoted Article 5.88 in Section 1, to read as follows:

"(1) PREPARATION AND APPROVAL OF PLANS. Insurers doing business within this State are authorized to prepare voluntary plans providing any specified kind, line, or class of insurance coverage or subdivision or combination thereof except insurance covering automobiles for all or any part of this state in which the insurance is not readily available in the voluntary market and in which the public interest requires the availability of the coverage. The plans shall be submitted to the board and if approved by it may be put into operation."

The amendment was read and was adopted.

Record of Vote

Senator Word asked to be recorded as voting "Nay" on the adoption of the amendment.

Question—Shall C. S. S. B. No. 16 as amended be passed to engrossment?

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 16, To Committee on Finance.

H. B. No. 40, To Committee on Finance.

H. B. No. 50, To Committee on Finance.

H. B. No. 51, To Committee on Finance.

H. B. No. 68, To Committee on Finance.

H. B. No. 75, To Committee on Finance.

H. B. No. 77, To Committee on Jurisprudence.

H. B. No. 80, To Committee on Intergovernmental Relations.

H. B. No. 78, To Committee on Finance.

H. C. R. No. 16, To Committee on Jurisprudence.

H. C. R. No. 15, To Committee on Intergovernmental Relations.

H. C. R. No. 9, To Committee on Human Resources.

H. B. No. 45, To Committee on Intergovernmental Relations.

Report of Standing Committee

By unanimous consent, Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

H. B. No. 45.

Senate Concurrent Resolution 13

Senator Patman offered the following resolution:

S. C. R. No. 13, Memorializing Congress to enact legislation to grant relief to persons dropped from welfare rolls because of the increase in Social Security benefits.

PATMAN
HARRINGTON
KOTHMANN

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth,

Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harris, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Schwartz, Sherman, Snelson, Tippen, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Harrington, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Patman, the resolution was adopted.

Bill and Resolutions Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

S. B. No. 36.

S. C. R. No. 11.

S. C. R. No. 12.

Recess

On motion of Senator Mauzy the Senate at 11:45 o'clock a.m. took recess until 1:45 o'clock p.m. today.

After Recess

Senator Aikin called the Senate to order at 1:45 o'clock p.m. today.

Leave of Absence

Senator Bates was granted leave of absence for the remainder of today on account of important business on motion of Senator Bridges.

Message From the House

Hall of the House of Representatives
Austin, Texas,
October 11, 1972,

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. 19, Relating to disannexing the territory of certain independent school districts from certain junior college districts and establishing new junior college districts.

H. C. R. No. 30, Inviting George McGovern to address a Joint session

of the 62nd Legislature, 4th Called Session.

H. C. R. No. 25, Commending Speaker Rayford Price.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(President in Chair)

Reports of Standing Committee

By unanimous consent, Senator Aikin submitted the following reports for the Committee on Finance:

H. B. No. 16.

H. B. No. 40.

H. B. No. 50.

H. B. No. 51.

H. B. No. 68.

H. B. No. 78.

House Bill 16 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 16 was ordered not printed.

House Bill 40 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 40 was ordered not printed.

House Bill 50 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 50 was ordered not printed.

House Bill 51 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 51 was ordered not printed.

House Bill 68 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 68 was ordered not printed.

House Bill 78 Ordered Not Printed

Senator Aikin asked unanimous consent that H. B. No. 78 be ordered not printed.

There was objection.

Senator Aikin then moved that H. B. No. 78 be ordered not printed.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Grover	Snelson
Harrington	Tippen
Harris	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	Word

Nays—3

Blanchard	Herring
Creighton	

Absent

Bates

Absent—Excused

Hall

Senate Bill 26 Ordered Not Printed

Senator Creighton asked unanimous consent that S. B. No. 26 be ordered not printed.

There was objection.

Senator Creighton then moved that S. B. No. 26 be ordered not printed.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hightower
Beckworth	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Word

Nays—5

Bernal	Schwartz
Jordan	Wilson
Patman	

Absent

Bates

Absent—Excused

Hall

Senate Bill 24 Ordered Not Printed

Senator Creighton asked unanimous consent that S. B. No. 24 be ordered not printed.

There was objection.

Senator Creighton then moved that S. B. No. 24 be ordered not printed.

The motion prevailed by the following vote:

Yeas—22

Aikin	Hightower
Beckworth	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Harrington	Wallace
Harris	Watson
Herring	Word

Nays—7

Bernal	Patman
Grover	Schwartz
Jordan	Wilson
Kothmann	

Absent

Bates

Absent—Excused

Hall

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 18.

S. B. No. 30.

House Bill 16 on Second Reading

Senator Aikin moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 16 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 16, A bill to be entitled "An Act making an appropriation to the Department of Mental Health and Mental Retardation for the design and construction, payment of salaries and travel expenses of construction project inspectors or Clerks-of-the-Works, of the Fort Worth State School for the Mentally Retarded; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 16 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 16 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Harrington
Beckworth	Harris
Bernal	Herring
Blanchard	Hightower
Bridges	Jordan
Brooks	Kennard
Christie	Kothmann
Connally	Mauzy
Creighton	McKool
Grover	Moore

Patman	Wallace
Schwartz	Watson
Sherman	Wilson
Snelson	Word
Tippen	

Absent

Bates

Absent—Excused

Hall

House Bill 40 on Second Reading

Senator Aikin moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 40 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 40, A bill to be entitled "An Act appropriating money to The University of Texas System for The University of Texas Medical School at Houston and to the Texas Tech University School of Medicine at Lubbock for construction of facilities; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 40 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 40 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

House Bill 50 on Second Reading

Senator Aikin moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 50 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 50, A bill to be entitled "An Act authorizing the Governor of the State of Texas to determine certain facts specified by the Legislature as a prerequisite to the expenditure of certain appropriations; providing the procedures incident thereto; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 50 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 50 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

House Bill 51 on Second Reading

Senator Aikin moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 51 be placed on its

second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 51, A bill to be entitled "An Act granting to the Governor authority to meet situations presenting an emergency and an imperative public necessity; establishing procedures to be utilized; providing for administration of emergency funds; providing for exemption of interagency contracts from provisions of Article 4413(32), Vernon's Texas Civil Statutes; providing for funding and expenditures; providing that the provisions are cumulative; providing for severability; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 51 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 51 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

Committee Substitute
Senate Bill 26 on Second Reading

Senator Creighton moved to suspend the regular order of business and Senate Rule 74 and take up C. S. S. B. No. 26 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Hightower
Beckworth	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Harrington	Wallace
Harris	Word
Herring	

Nays—7

Bernal	Patman
Grover	Schwartz
Jordan	Wilson
Kothmann	

Paired—2

Hall	Watson
------	--------

Absent

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 26, A bill to be entitled "An Act relating to increasing fishing license fees; authorizing certain fees for stocking or restocking private lakes and ponds; amending Section 1, Chapter 239, Acts of the 55th Legislature, Regular Session, 1957 (Article 4032b-1, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend C. S. S. B. No. 26 by deleting the period on line 28, Section 2 after the word "fee" and adding the following language:

"but such fee shall never exceed one cent (1¢) per fish or fingerling."

The amendment was read and was adopted.

Record of Votes

Senator Patman, Bernal, McKool and Grover asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Patman and Grover asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Motion to Place Committee Substitute Senate Bill 26 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 26 be placed on its third reading and final passage.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members present)

Yeas—21

Aikin	Hightower
Beckworth	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Harrington	Wallace
Harris	Word
Herring	

Nays—7

Bernal	Patman
Grover	Schwartz
Jordan	Wilson
Kothmann	

Paired—2

Hall	Watson
------	--------

Absent

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

Committee Substitute Senate Bill 24 on Second Reading

Senator Creighton moved to suspend the regular order of business and take up C. S. S. B. No. 24 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Hightower
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Harrington	Wallace
Harris	Word
Herring	

Nays—5

Grover	Schwartz
Jordan	Wilson
Patman	

Paired—2

Hall	Watson
------	--------

Absent

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 24, A bill to be entitled "An Act relating to increasing resident and nonresident hunting license fees; deleting reciprocal privileges on migratory waterfowl; amending Sections 1, 2, and 8, Chapter 320, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 895c, Vernon's Texas Penal Code); and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Votes

Senators Grover and Bernal asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Committee Substitute

Senate Bill 24 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Hightower
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Harrington	Wallace
Harris	Word
Herring	

Nays—5

Grover	Schwartz
Jordan	Wilson
Patman	

Paired—2

Hall

Watson

Absent

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—20

Aikin	Herring
Beckworth	Hightower
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Harrington	Wallace
Harris	Word

Nays—8

Bernal	Moore
Grover	Patman
Jordan	Schwartz
Kothmann	Wilson

Paired—2

Hall

Watson

Absent

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

Message From the Governor

The following Message from the Governor was read and was filed with the Secretary of the Senate:

To All to Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of Texas, do hereby submit as an additional subject for consideration in the Fourth Called Session, 62nd Legislature, the following:

To appropriate funds to the Department of Public Welfare for establishing, operating and administering, under the authority of the Texas Medical Assistance Act of 1967, a program of medical care for the "medically needy" as defined in Title XIX of the Federal Social Security Act.

In Testimony Whereof, I have hereto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 11th day of October, A. D., 1972.

PRESTON SMITH,
Governor of Texas.

(SEAL)

Attest:

BOB BULLOCK,
Secretary of State.

Bill and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolution:

S. B. No. 19.

H. C. R. No. 26.

Committee Substitute Senate Bill 26 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Jordan
Beckworth	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Sherman
Creighton	Snelson
Harrington	Tippen
Harris	Wallace
Herring	Word
Hightower	

Nays—5

Bernal	Schwartz
Grover	Wilson
Patman	

Paired—2

Hall	Watson
------	--------

Absent

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Moore, Patman, Grover, Jordan, Wilson, Bernal and Kothmann asked to be recorded as voting "Nay" on the final passage of the bill.

Record of Vote

On motion of Senator Wilson and by unanimous consent, he will be shown as voting "Nay" on the motion to suspend the regular order of business on C. S. S. B. No. 26.

(Senator Jordan in Chair)

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senators Connally and Sherman:

S. B. No. 54, A bill to be entitled "An Act relating to the methods of treatment of certain diseases in certain animals; amending Section 1, Chapter 191, Acts of the 56th Legislature, Regular Session, 1959 (Article 1505a, Vernon's Texas Penal Code); amending Chapter 63, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 1525a, Vernon's Texas Penal Code), by adding a Section 1a; amending Section 2, Chapter 53, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 1525c, Vernon's Texas Penal Code); and declaring an emergency."

To Committee on State Affairs.

By Senators Patman, Harrington, Brooks, Jordan and Wilson:

S. B. No. 55, A bill to be entitled "An Act appropriating funds to the

Department of Public Welfare for establishing, operating and administering a medical program under the Texas Medical Assistance Act of 1967; and declaring an emergency."

To Committee on Finance.

Senate Bill 23 on Second Reading

Senator Creighton moved to suspend the regular order of business and take up S. B. No. 23 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Hightower
Beckworth	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Harrington	Wallace
Harris	Word
Herring	

Nays—7

Bernal	Patman
Grover	Schwartz
Jordan	Wilson
Kothmann	

Paired—2

Hall	Watson
------	--------

Absent

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 23, A bill to be entitled "An Act relating to the issuance of a combination hunting and fishing license; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Votes

Senators Patman, Grover, Kothmann and Bernal asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 23 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S. B. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Jordan
Beckworth	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Sherman
Creighton	Snelson
Harrington	Tippen
Harris	Wallace
Herring	Word
Hightower	

Nays—5

Bernal	Schwartz
Grover	Wilson
Patman	

Paired—2

Hall	Watson
------	--------

Absent

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Moore, Schwartz, Patman, Kothmann and Grover asked to be recorded as voting "Nay" on the final passage of the bill.

House Bill 68 on Second Reading

Senator Aikin moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 68 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Nays—2

Blanchard Kennard

Absent

Bates

Absent—Excused

Hall

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 68, A bill to be entitled "An Act appropriating funds for financing of primary elections held during the year 1972; and prescribing conditions for qualifying to receive payments from the appropriation; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 68 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 68 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—27

Aikin	Creighton
Beckworth	Grover
Bernal	Harrington
Bridges	Harris
Brooks	Herring
Christie	Hightower
Connally	Jordan

Kothmann	Snelson
Mauzy	Tippen
McKool	Wallace
Moore	Watson
Patman	Wilson
Schwartz	Word
Sherman	

Nays—2

Blanchard Kennard

Absent

Bates

Absent—Excused

Hall

Motion to Place House Bill 78 on Second Reading

Senator Aikin moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 78 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members present)

Yeas—22

Aikin	Kothmann
Beckworth	McKool
Blanchard	Moore
Bridges	Patman
Brooks	Schwartz
Christie	Snelson
Connally	Tippen
Grover	Wallace
Harrington	Watson
Hightower	Wilson
Jordan	Word

Nays—7

Bernal	Kennard
Creighton	Mauzy
Harris	Sherman
Herring	

Absent

Bates

Absent—Excused

Hall

Senate Concurrent Resolution 14

By unanimous consent, Senator Schwartz offered the following resolution:

S. C. R. No. 14, Providing that the Moratorium as described in S. B. No. 20, 61st Legislature on sale or lease of State-owned submerged lands and islands be effective until May 31, 1973.

SCHWARTZ
HARRINGTON
CHRISTIE
SNELSON
AIKIN
KENNARD
WILSON
KOTHMANN
HIGHTOWER
SHERMAN
McKOOL
WALLACE
JORDAN
BERNAL
WORD
MAUZY
BECKWORTH

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted.

House Bill 45 Ordered Not Printed

On motion of Senator Watson and by unanimous consent H. B. No. 45 was ordered not printed.

House Bill 45 on Second Reading

Senator Watson moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 45 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 45, A bill to be entitled "An Act relating to the membership of the Bell County Juvenile Board and the compensation of its members; etc., and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 45 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 45 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent

Bates

Absent—Excused

Hall

(Senator Aikin in Chair)

House Concurrent Resolution 30 on Second Reading

Senator Jordan asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 30 for consideration at this time.

There was objection.

Senator Jordan then moved to suspend the regular order of business and take up H. C. R. No. 30 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Creighton	Schwartz
Harrington	Sherman
Harris	Wallace
Herring	Watson
Hightower	Wilson

Nays—6

Blanchard	Moore
Connally	Tippen
Grover	Word

Absent

Bates	Snelson
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Absent—Excused

Hall

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 30, Inviting Senator George McGovern to address a Joint Session of the Texas Legislature.

The resolution was read.

Senator Blanchard offered the following amendment to the resolution:

Amend H. C. R. 30 by adding the words "and V. P. Spiro Agnew of Maryland" immediately following words "George McGovern."

The amendment was read and failed of adoption.

Question on the adoption of the resolution, "Yeas" and "Nays" were demanded.

The resolution was adopted by the following vote:

Yeas—21

Aikin	Brooks
Beckworth	Christie
Bernal	Creighton
Bridges	Harrington

Herring	Patman
Hightower	Schwartz
Jordan	Sherman
Kennard	Wallace
Kothmann	Watson
Mauzy	Wilson
McKool	

Nays—7

Blanchard	Moore
Connally	Tippen
Grover	Word
Harris	

Absent

Bates	Snelson
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Absent—Excused

Hall

(Senator Jordan in Chair)

House Bill 78 on Second Reading

Senator Aikin moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 78 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Tippen
Grover	Wallace
Harrington	Wilson
Hightower	Word

Nays—5

Creighton	Mauzy
Harris	Sherman
Herring	

Paired—2

Hall	Watson
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Absent

Bates	Snelson
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PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 78, A bill to be entitled "An Act appropriating state funds to the Coordinating Board, Texas College and University System, for allocation to a junior college district to establish an occupational extension center; providing for the use of federal funds for the center; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 78 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 78 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—20

Aikin	Jordan
Beckworth	Kothmann
Bernal	McKool
Bridges	Patman
Brooks	Schwartz
Christie	Snelson
Connally	Wallace
Grover	Watson
Harrington	Wilson
Hightower	Word

Nays—9

Blanchard	Mauzy
Creighton	Moore
Harris	Sherman
Herring	Tippen
Kennard	

Absent

Bates

Absent—Excused

Hall

Committee Substitute Senate Bill 16 on Second Reading

The Senate resumed consideration of the pending business, same being C. S. S. B. No. 16 on its second reading and passage to engrossment.

Question—Shall C. S. S. B. No. 16 as amended be passed to engrossment?

Senator Mauzy offered the following amendment to the bill:

Amend quoted Article 5.82 of Section 1, of the Minority Report for the Committee Substitute for Senate Bill 16 to add the following:

"(7) aircraft and aviation insurance; and

"(8) professional liability insurance."

The amendment was read and was adopted.

Senator Wallace offered the following amendment to the bill:

Amend Section 1 of the minority report on the Committee Substitute for S. B. 16 by adding to Article 5.99 Subsection (2) after the phrase "or after the period of" the following:

"fine and/or"

and by adding to Article 5.99 Subsection (3) after the phrase "suspended or revoked" the following:

"or fined",

and by adding to Article 5.99 Subsection (4) after the phrase "suspended or revoked" the following:

"or fined".

The amendment was read and was adopted.

Senator Wallace offered the following amendment to the bill:

Amend Section 1 of the Minority Report on the Committee Substitute for S. B. 16 by deleting from Article 5.82 the following:

"(7) county mutual insurance companies." and by adding to Article 5.81 subsection (2) after the phrase "farm mutual insurance companies" the following "or county mutual insurance companies."

The amendment was read and failed of adoption by the following vote:

Yeas—10

Beckworth	Schwartz
Bridges	Wallace
Brooks	Watson
Harrington	Wilson
Harris	Word

Nays—19

Aikin	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patman
Grover	Sherman
Herring	Snelson
Hightower	Tippen
Jordan	

Absent

Bates

Absent—Excused

Hall

(President in Chair)

Senator Wallace offered the following amendment to the bill:

Amend C. S. S. B. No. 16 by adding thereto the following Art. 5.80-17. DEDUCTIBLES. The State Board of Insurance may require that insurance companies, subject to the limitation in this paragraph, make available policies of insurance containing deductibles or optional deductibles, if prescribed by the Board, as respects any form of property or casualty insurance that is being written by the insurer and that is regulated by this Code. If provision is made by the State Board of Insurance for optional deductibles, the option shall rest with the applicant for the insurance, and the Board may require that the policy as written contain the optional deductible. The provisions of this paragraph making mandatory the offering of deductibles by the insurer shall not apply to any optional deductible on any coverage if the prescribed optional deductible is in excess of \$500.

The amendment was read and was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend Committee Substitute for S. B. 16 by adding the following:

"Art. 5.97-1 STATISTICAL INFORMATION

"The Board is hereby authorized and empowered to secure such statistical information and prepare such statistical studies as are necessary to implement the provisions of this Act."

The amendment was read and was adopted.

Senator Jordan offered the following amendment to the bill:

Amend C. S. S. B. No. 16 by adding a new Section 6 and renumbering the following sections appropriately as follows:

All provisions of this Act shall expire on September 1, 1975.

JORDAN
BROOKS

The amendment was read and was adopted.

Senator Sherman offered the following amendment to the bill:

Amend Section 1 of the minority report on Committee Substitute for S. B. 16 by adding after the phrase "group, franchise, or blanket policy" the following Article:

"5.86-1 Rating Territory. Every rating territory shall be hereinafter defined as the legal boundaries of the State of Texas."

SHERMAN
SNELSON

The amendment was read and was adopted.

Record of Votes

Senators Herring and Patman asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Watson offered the following amendment to the bill:

Amend Committee Substitute Senate Bill No. 16, by adding a new Article 6.00 following Article 5.99 in Section 1, to read as follows:

"Article 6.00. CERTAIN INSURERS EXEMPT

"(1) The provisions of this subchapter do not apply to any county mutual insurance company organized and operating as a county mutual fire insurance company on May 22, 1953, whose business is devoted exclusively to the writing of industrial fire insurance policies covering dwellings, household goods, and wearing apparel on a weekly, monthly, or quarterly basis on a continuous premium payment plan. This exemption shall apply only so long as said companies are engaged exclusively in the writ-

ing of the industrial fire insurance policies.

"(2) The provisions of this subchapter do not apply to any farm mutual insurance companies defined in Article 16.01 of this code and companies chartered under old Chapter 12 of the Texas Insurance Code, heretofore repealed."

The amendment was read and was adopted.

Record of Vote

Senator Wallace asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Schwartz offered the following amendment to the bill:

Amend Section 1 of the Committee Substitute for S. B. 16 by deleting Article 5.87 and 5.88 and substituting the following:

"Article 5.87. MANDATORY RISK SHARING PLANS

"(1) MANDATORY PLANS. (a) If the board finds after a hearing that in any part of this State automobile insurance or property insurance is not readily available in the voluntary market, and that the public interest requires this availability, it may by rule adopt plans to provide the insurance coverages for any risks in this State which are equitably entitled to but otherwise unable to obtain the coverage.

"(b) Any plan adopted or prepared under Subsection (a) of this section shall:

"(A) give consideration to the need for adequate and readily accessible coverage, to alternative methods of improving the market affected, to the inherent limitations of the insurance mechanism, to the need for reasonable underwriting standards, and to the requirement of reasonable loss prevention measures;

"(B) establish procedures that will create minimum interference with the voluntary market;

"(C) spread the burden imposed by the facility equitably and efficiently within the industry; and

"(D) establish procedures for applicants and participants to have grievances reviewed by the Board.

"(c) Each plan shall require participation by all insurers doing any business in this State of the types covered by the specific plan and all agents licensed to represent such insurers in this State for the specified types of business, except that the board may exclude classes of persons for administrative convenience or because it is not equitable or practicable to require them to participate in the plan.

"(d) The plan may provide for optional participation by insurers not required to participate under Subsection (c) of this section.

"(e) Each plan shall provide for the method of classifying risks and making and filing rates applicable to them.

"(2) BASIS OF PARTICIPATION. The plan shall specify the basis of participation of insurers and agents and the conditions under which risks must be accepted.

"(3) DUTY TO PROVIDE SERVICE. Every participating insurer and agent shall provide to any person seeking coverages of kinds available in the plans the services prescribed in the plans, including full information on the requirements and procedures for obtaining coverage under the plans whenever the business is not placed in the voluntary market.

"(4) COMMISSIONS. The plan shall specify what commission rates shall be paid for business placed in the plans.

"(5) PROVISION OF MARKETING FACILITIES. If the board finds that the lack of cooperating insurers or agents in an area makes the functioning of the plan difficult, it may order insurers to take appropriate steps to ensure that service is available."

The amendment was read and was adopted.

(Senator Aikin in Chair)

Senator Blanchard offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 16 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Article 5.03, Texas Insurance Code, (Acts 1951, 52nd

Legislature, Chapter 491), as amended, be and the same is hereby amended to hereafter read as follows:

"Article 5.03. Approved Rates as Controlling.

"On and after the filing and effective date of such classification of such risks and rates, no such insurer shall issue or renew any such insurance at premium rates which are greater than, or different from, those approved by the Board as just, reasonable and adequate for the risks to which they respectively apply, and not confiscatory as to any class of insurance carriers authorized by law to write such insurance, nor shall any such insurer issue or renew any such insurance at premium rates which are less than, or different from, those approved by the Board except as provided herein: Any insurer desiring to write insurance at a rate less than those approved by the Board shall make a written application to the Board for permission to file a uniform percentage deviation for a lesser rate, on a statewide basis, from the class rates or classes of rates approved by the Board. Such application may be approved in whole or in part by the Board subject to such reasonable conditions, limitation and restrictions deemed necessary by the Board. In considering such application the Board shall give consideration to: (1) the financial condition of the insurer; (2) the method of operation and expenses of such insurer; (3) the actual paid loss experience of the insurer during the immediate preceding three years; and, (4) earnings of the insurer from investments during the preceding year together with a projection of prospective earnings from investments during the period for which the application is made. In considering such application the Board shall give consideration to the composite effect of items (2), (3) and (4) above. The Board shall deny such application if it finds that the resulting premiums would be inadequate or unfairly discriminatory.

"From and after the effective date of approval by the Board of an insurer's application such insurer may write insurance at the lesser rate or rates approved by the Board provided, however, that the right to write insurance at a lesser rate as approved may be suspended or revoked by the Board, after notice and hearing, if upon examination or at any time it

appears to or is the opinion of the Board that such insurer: (1) has had a change in its financial condition since the granting of the application; or (2) the actual paid losses of the insurer have materially changed since the granting of the application; or (3) there has been a material increase in expenses of such insurer since the granting of the application; or (4) there has been a material reduction in earnings from investments by the insurer since the granting of the application; or (5) the insurer has failed or refused to furnish information required by the Board. The Board may suspend the right of an insurer to write insurance at the rates approved under such application, pending hearing, provided that the Board conducts the hearing upon such matters within not less than 10 or no more than 30 days following the issuance of its Order suspending the right to write insurance at the lesser rate granted in its approval of the application. The right to write insurance at a lesser rate because of approval by the Board shall automatically terminate within one year after such approval by the Board or upon the approval by the Board of new or different rates as provided for in the first sentence of the first paragraph of this Article, and as further provided in paragraph one and two of Article 5.01.

"It is expressly provided, however, that notwithstanding any other provision of this Chapter to the contrary, a rate or premium for such insurance in excess of the standard rate or premium that has been promulgated or approved by the Board may be used on any specific risk if: (1) a written application is made to the Board naming the insurer and stating the coverage and rate proposed; (2) the risk to be insured consents to such rate; (3) the reasons for requiring such excess rate or premium are stated in or attached to the application; (4) the person to be insured or person authorized to act for such person signs the application; and (5) the Board approves the application by order or by stamping; provided, however, that this paragraph shall not be applicable to an automobile owned by an individual or owned jointly by two or more relatives who are residents in the same household provided such automobile is identified and rated by the State Board of Insurance as a private passenger automobile or is a farmer's truck with a low capacity,

but this provision of inapplicability to automobiles or a farm truck individually or jointly owned shall not limit current rating practices and exceptions with respect thereto.

"In addition to the foregoing procedure permitting deviations from the fixed and promulgated motor vehicle rates, the State Board of Insurance and the insurance companies subject to this subchapter shall prescribe, permit, allow and authorize a ten per cent (10%) credit to or reduction in the insurance premium rates fixed or promulgated hereunder for those motor vehicle insurance policies issued where all of the regular drivers of the insured vehicles have had no chargeable accidents, no insured losses, and no moving traffic citations issued by the Department of Public Safety or by a political subdivision of this State, during the twelve months immediately preceding the inception date of the insurance policy. Such credit or reduction in premium shall be effective for all policies of insurance issued after the effective date of this Article."

Section 2. That sections (a), (b) and (d) of Article 5.26 of the Texas Insurance Code, (Acts 1951, 52nd Legislature, Chapter 491), as amended, be and the same are hereby amended to read hereafter as follows:

"(a) A maximum rate of premiums to be charged or collected by all companies transacting in this state the business of fire insurance, as herein defined, shall be exclusively fixed and determined and promulgated by the Board, and no such fire insurance company shall charge or collect any premium or other compensation for or on account of any policy or contract of fire insurance as herein defined in excess of the maximum rate as herein provided for, nor charge or collect any premium or other compensation for or on account of any policy or contract of fire insurance and allied lines less than the maximum rate, except as hereinafter provided.

"(b) 1. Any insurer desiring to write insurance at a rate less than those fixed, determined or promulgated by the Board shall make a written application to the Board for permission to file a uniform percentage deviation for a lesser rate from the class rates or classes of rates fixed, determined or promulgated by the

Board. Such application may be restricted to specified geographical areas which shall include one or more counties and shall have uniform application within the boundaries of any county included within the application. Such application may be approved in whole or in part by the Board subject to such reasonable conditions, limitations and restrictions deemed necessary by the Board. In considering such application the Board shall give consideration to: (1) the financial condition of the insurer; (2) the method of operation and expenses of such insurer; (3) the actual paid loss statewide experience of the insurer during the immediate preceding three years; and (4) earnings of the insurer from investments during the preceding year together with a projection of prospective earnings from investments during the period for which the application is made. In considering such application the Board shall give consideration to the composite effect of items (2), (3) and (4) above. The Board shall deny such application if it finds that the resulting premiums would be inadequate or unfairly discriminatory.

"From and after the effective date of approval by the Board of an insurer's application, such insurer may write insurance at the lesser rate or rates approved by the Board provided, however, that the right to write insurance at a lesser rate as approved may be suspended or revoked by the Board, after notice and hearing, if upon examination or at any time it appears to or is the opinion of the Board that such insurer: (1) has had a change in its financial condition since the granting of the application; or (2) the actual statewide paid losses of the insurer have materially changed since the granting of the application; or (3) there has been a material increase in expenses of such insurer since the granting of the application; or (4) there has been a material reduction in earnings from investments by the insurer since the granting of the application; or (5) the insurer has failed or refused to furnish information required by the Board. The Board may suspend the right of an insurer to write insurance at the rates approved under such application pending hearing provided that the Board conducts the hearing upon such matter within not less than 10 nor more than 30 days following the issuance of its Order suspending

the right to write insurance at the lesser rate granted in its approval of the application.

"The right to write insurance at a lesser rate because of approval by the Board shall automatically terminate within one year after such approval by the Board or upon the fixing, determining or promulgation by the Board of new or different rates as provided for in paragraph (a) hereof.

"2. It is expressly provided, however, that notwithstanding any other provision of this chapter to the contrary, a rate or premium for such insurance in excess of the standard rate or premium that has been fixed, determined or promulgated by the Board may be used on any specific risk if (1) a written application is made to the Board naming the insurer and stating the coverage and rate proposed, (2) the risk to be insured consents to such rate, (3) the reasons for requiring such excess rate or premium are stated in or attached to the application, (4) the person to be insured or person authorized to act for such person signs the application, and (5) the Board approves the application by Order or by stamping; provided, however, that the Board may recognize and designate specified areas of this state as hazardous areas and permit the writing of policies of insurance on a specific risk within such areas as premiums in excess of the standard rate or premium if (1) the risk to be insured consents to such rate, (2) the reasons for requiring such excess rate or premium are stated in or attached to the application and (3) the person to be insured or person authorized to act for such person signed the application."

"(d) In considering any application provided for in (c) above, the Board shall give consideration to the factors applied by insurers or rating organizations generally used by such insurers or rating organizations in determining the bases for rates; the financial condition of the insurer; the method of operation and expenses of such insurer; the loss experience of the insurer, past and prospective, including where pertinent the conflagration and catastrophe hazards, if any, both within and without this state; to all factors reasonably related to the kind of insurance involved; to a reasonable margin for and underwriting profit for the insurer, and, in the

case of participating insurers, to policyholders' dividends. The Board shall issue an order permitting the deviation for such insurer to be filed if it is found to be justified upon the applicant's showing that the resulting premiums would be adequate and not unfairly discriminatory. The Board shall issue an order denying such application if it finds that the resulting premiums would be inadequate or unfairly discriminatory. As soon as reasonably possible after such application has been made the Board shall in writing permit or deny the same; provided, that any such application shall be deemed permitted unless denied within thirty (30) days; provided, that the Board may by official order postpone action for one additional period not exceeding thirty (30) days if deemed necessary for proper consideration; except that deviations in effect at the time this Act becomes effective shall be controlled by subdivision (f) hereof. Each deviation permitted to be filed shall be effective for a period of one (1) year from the date of final granting of such permission whether by the Board in the first instance or upon direction of the court. However, a deviation may be withdrawn at any time with the approval of the Board or terminated by order of the Board, which order must specify the reasons for such termination. From and after the effective date of this Act all deviations from maximum rates shall be governed by this Article."

Section 3. That Article 5.35, Texas Insurance Code, (Acts 1951, 52nd Legislature, Chapter 491), as amended, be and is hereby amended to hereafter read as follows:

"Article 5.35. Uniform Policies.

"The Board shall make, promulgate and establish uniform policies of insurance applicable to the various risks of this State, copies of which uniform policies shall be furnished each company now or hereafter doing business in this State. In prescribing such forms, the State Board of Insurance is authorized to combine various coverages in a single form to provide for multiperil policies. After such uniform policies shall have been established and promulgated and furnished the respective companies doing business in this State, such companies shall, within sixty (60) days after the receipt of such forms of policies, adopt and use said form or forms and

no other; also all companies which may commence business in this State after the adoption and promulgation of such forms of policies, shall adopt and use the same and no other forms of policies."

Section 4. That Article 5.15, Texas Insurance Code, (Acts 1951, 52nd Legislature, Chapter 491), as amended, be and the same is hereby amended by adding the following:

"(g) Any insurer desiring to write insurance at a rate less than those approved by the Board shall make a written application to the Board for permission to file a uniform percentage deviation for a lesser rate, on a statewide basis, from the class rates or classes of rates approved by the Board. Such application may be approved in whole or in part by the Board subject to such reasonable conditions, limitations and restrictions deemed necessary by the Board. In considering such application the Board shall give consideration to: (1) the financial condition of the insurer; (2) the method of operation and expenses of such insurer; (3) the actual paid loss experience of the insurer during the immediate preceding three years; and, (4) earnings of the insurer from investments during the preceding year together with a projection of prospective earnings from investments during the period for which the application is made. In considering such application the Board shall give consideration to the composite effect of items (2), (3) and (4) above. The Board shall deny such application if it finds that the resulting premiums would be inadequate or unfairly discriminatory.

"From and after the effective date of approval by the Board of an insurer's application such insurer may write insurance at the lesser rate or rates approved by the Board provided, however, that the right to write insurance at a lesser rate as approved may be suspended or revoked by the Board, after notice and hearing, if upon examination or at any time it appears to or is the opinion of the Board that such insurer: (1) has had a change in its financial condition since the granting of the application; or (2) the actual paid losses of the insurer have materially changed since the granting of the application; or (3) there has been a material increase in expenses of such insurer since the granting of the application; or (4)

there has been a material reduction in earnings from investments by the insurer since the granting of the application; or (5) the insurer has failed or refused to furnish information required by the Board. The Board may suspend the right of an insurer to write insurance at the rates approved under such application, pending hearing, provided that the Board conducts the hearing upon such matter within not less than 10 nor more than 30 days following the issuance of its Order suspending the right to write insurance at the lesser rate granted in its approval of the application. The right to write insurance at a lesser rate because of approval by the Board shall automatically terminate within one year after such approval by the Board or upon the approval by the Board of new or different rates as provided for in paragraphs (c) and (d) of this Article."

Section 5. All laws and parts of laws of this State inconsistent with any of these articles are hereby superseded with respect to matters covered by these articles.

Section 6. If any provision of any article herein or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of any article herein which can be given effect without the invalid provision or application, and for this purpose the provisions of each of these articles are severable.

Section 7. The importance of this legislation and the crowded condition of the calendars in both Houses creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and this Rule is hereby suspended; and that this Act take effect and be in force from after its passage, and it is so enacted.

The amendment was read.

Senator Mauzy moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Aikin

Beckworth

Bernal	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Grover	Schwartz
Harrington	Tippen
Herring	Wallace
Hightower	Wilson
Jordan	

Nays—10

Blanchard	Patman
Connally	Sherman
Creighton	Snelson
Harris	Watson
Moore	Word

Absent

Bates

Absent—Excused

Hall

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Question on the engrossment of C. S. S. B. No. 16 as amended, "Yeas" and "Nays" were demanded.

The bill as amended was passed to engrossment by the following vote:

Yeas—21

Aikin	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Schwartz
Brooks	Sherman
Christie	Snelson
Grover	Tippen
Harrington	Wallace
Herring	Wilson
Hightower	Word
Jordan	

Nays—8

Blanchard	Kennard
Connally	Moore
Creighton	Patman
Harris	Watson

Absent

Bates

Absent—Excused

Hall

Motion to Place
Committee Substitute
Senate Bill 16 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 16 be placed on its third reading and final passage.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members present)

Yeas—21

Aikin	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Schwartz
Brooks	Sherman
Christie	Snelson
Grover	Tippen
Harrington	Wallace
Herring	Wilson
Hightower	Word
Jordan	

Nays—8

Blanchard	Kennard
Connally	Moore
Creighton	Patman
Harris	Watson

Absent

Bates

Absent—Excused

Hall

Senate Bill 20 on Second Reading

On motion of Senator Connally and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 20, A bill to be entitled "An Act relating to the exemption from registration applicable to certain farm trailers and semitrailers; etc.; and declaring an emergency."

The bill was read second time.

Senator Connally offered the following Committee Amendment to the bill:

Amend Senate Bill No. 20 by re-numbering Section 2 as Section 4 and inserting Sections 2 and 3 to read as follows:

Sec. 2. Subsection (c), Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-2, Vernon's Texas Civil Statutes) is amended to read as follows:

"(c) Owners of farm trailers and farm semitrailers with a gross weight exceeding four thousand (4,000) pounds but not exceeding fifteen thousand (15,000) pounds and used solely to transport their own seasonally harvested agricultural products and livestock from the place of production to the place of process, market or storage thereof, or farm supplies from the place of loading to the farm, and owners of machinery used solely for the purpose of drilling water wells or construction machinery (not designed for the transportation of persons or property on the public highways), may operate or move such vehicles temporarily upon the highways without the payment of the regular registration fees as prescribed by law, provided the owners of such farm trailers and semitrailers and machinery secure for a fee of Five Dollars (\$5) for each year or portion thereof a distinguishing license plate from the State Highway Department through the County Tax Collector upon forms prescribed and furnished by the Department. Such vehicles shall be exempt from the inspection requirements of Sections 140 and 141 of the Uniform Act Regulating Traffic on Highways."

Sec. 3. Subsection (c-1), Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-2, Vernon's Texas Civil Statutes), is repealed.

The Committee Amendment was read and was adopted.

On motion of Senator Connally and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 20 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S. B. No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates Hall

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates Hall

Senate Bill 21 on Second Reading

On motion of Senator Connally, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 21, A bill to be entitled "An Act relating to brake and lighting equipment requirements on certain trailers, semitrailers, farm tractors, self-propelled units of farm

equipment, motor vehicles, and implements of husbandry; requiring the placement of 'slow-moving-vehicle' emblems on certain of these vehicles; etc., and declaring an emergency."

The bill was read second time.

On motion of Senator Connally and by unanimous consent, the Committee Amendments were withdrawn.

Senator Connally offered the following amendment to the bill:

Amend Senate Bill No. 21 by striking all below enacting clause and substituting the following:

Section 1. The Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 110A to read as follows:

"Section 110A. (a) The requirements of this Act requiring the installation of fixed electric lights on vehicles do not apply to farm trailers and fertilizer trailers registered as such under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-2, Vernon's Texas Civil Statutes), if they are operated on the highways only during daytime, and not at times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead.

"(b) Except for Section 118 of this Act, the provisions of this Act requiring the installation of fixed electric lights on vehicles do not apply to boat trailers with a gross weight of less than four thousand, five hundred (4,500) pounds, if they are operated on the highways only during daytime, and not at times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead.

"(c) Except for Section 118 of this Act, the provisions of this Act relating to lamps, reflectors, and lighting equipment do not apply to a mobile home if it is moved over the highways only during daytime and not at times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of one thousand

(1,000) feet ahead, and if the mobile home is being moved pursuant to a special permit issued by the State Highway Department under Chapter 41, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701a, Vernon's Texas Civil Statutes). In no event may a mobile home lighted as provided in this section move on the highways other than at daytime."

Sec. 2. Subsections (c) and (h), Section 132, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), are amended to read as follows:

"(c) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

"1. Certain trailers, semitrailers, and pole trailers, which are treated as follows:

"a. If the gross weight of the trailer, semitrailer, or pole trailer does not exceed four thousand five hundred (4,500) pounds, it is not required to have brakes.

"b. If the gross weight of the trailer, semitrailer, or pole trailer exceeds four thousand, five hundred (4,500) pounds but does not exceed fifteen thousand (15,000) pounds, and the vehicle is not drawn at a speed in excess of thirty (30) miles per hour, it is not required to have brakes.

"c. If the gross weight of the trailer, semitrailer, or pole trailer exceeds four thousand, five hundred (4,500) pounds but does not exceed fifteen thousand (15,000) pounds, and the vehicle is drawn at a speed in excess of thirty (30) miles per hour, it must have brakes acting on both wheels of the rear axle.

"d. 'Gross weight,' as used in this subsection, means the weight of the trailer, semitrailer, or pole trailer plus the weight of the load actually carried.

"2. Any vehicle being towed in driveway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of this Act.

"3. Trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two (2) steerable axles, the wheels of one (1) steerable axle

need not have brakes. However, such trucks and truck tractors must be capable of complying with the performance requirements of this Act.

"4. Special mobile equipment as defined in Subsection (a) above.

"(h) Single control to operate all brakes. After April 1, 1973, every motor vehicle, trailer, semitrailer and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles nor surge or inertia brake systems on trailers and semitrailers with a gross weight not exceeding fifteen thousand (15,000) pounds. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle."

Sec. 3. Subsection (a), Section 124, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Every authorized emergency vehicle may, in addition to any other equipment and distinctive markings required by this Act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal."

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Connally offered the following amendment to the pending amendment to the bill:

Amend Amendment No. 1 to Senate Bill No. 21 as follows:

In Section 1, quoted Section 110A, Subsection (b), strike "Except for Section 118 of this Act, the" and substitute "The".

The amendment to the amendment was read and was adopted.

Senator Connally offered the following amendment to the pending amendment to the bill:

Amend Amendment No. 1 to Senate Bill No. 21 by adding a new Section 1a to read as follows:

Sec. 1a. Section 114, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 114. In addition to other equipment required in Sections 110, 111, 112, and 118 of this Act, the following vehicles shall be equipped as herein stated under the conditions stated in Section 113, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of Section 117.

"(a) Buses and trucks eighty (80) inches or more in overall width:

"1. On the front, two (2) clearance lamps, one (1) at each side.

"2. On the rear, two (2) clearance lamps, one (1) at each side.

"3. On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

"4. At each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

"(b) Trailers and semitrailers eighty (80) inches or more in overall width:

"1. On the front, two (2) clearance lamps, one (1) at each side.

"2. On the rear, two (2) clearance lamps, one (1) at each side.

"3. On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

"4. On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

"(c) Truck tractors:

"On the front, two (2) cab clearance lamps, one (1) at each side.

"(d) Trailers and semitrailers thirty (30) feet or more in overall length:

"On each side, one (1) amber side marker lamp and one (1) amber re-

reflector, centrally located with respect to the length of the vehicle.

"(e) Pole trailers:

"1. On each side, one (1) amber side marker lamp at or near the front of the load.

"2. One (1) amber reflector at or near the front of the load.

"3. On the rearmost support for the load, one (1) combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

The amendment to the pending amendment was read and was adopted.

Senator Connally offered the following amendment to the pending amendment to the bill:

Amend Amendment No. 1 to Senate Bill No. 21 as follows:

In Section 2, quoted Subsection (c), Subdivision 1, add a new Paragraph e to read as follows:

"e. The requirements of Subsection (k) of this section do not apply to those vehicles described in Paragraphs a and b of this subdivision."

The amendment to the pending amendment was read and was adopted.

Senator Connally offered the following amendment to the pending amendment to the bill:

Amend Amendment No. 1 to Senate Bill No. 21 as follows:

In Section 2, quoted Subsection h:

(1) Insert a period after "operate brakes on the towed vehicles".

(2) Strike "nor surge or inertia brake systems on trailers and semitrailers with a gross weight not exceeding fifteen thousand (15,000) pounds" and substitute "Surge or inertia brake systems may be used on trailers and semitrailers with a gross weight of not more than fifteen thousand (15,000) pounds in satisfaction of the requirements of Subsection (c) of this section."

The amendment to the pending amendment was read and was adopted.

The amendment as amended was then adopted.

On motion of Senator Connally and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 21 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S. B. No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates	Hall
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates Hall

Memorial Resolutions

H. C. R. No. 26—Memorial resolution for Dr. Barton W. Dorbandt.

H. C. R. No. 28—Memorial resolution for Mrs. B. W. Johnson.

S. R. No. 101—By Senator Brooks: Memorial resolution for Matt F. Reed.

S. R. No. 102—By Senator Watson: Memorial resolution for Sam E. Stone.

S. R. No. 103—By Senator Watson: Memorial resolution for Otto H. Leuschner.

S. R. No. 104—By Senator Watson: Memorial resolution for Sam L. Niswinger.

S. R. No. 105—By Senator Watson: Memorial resolution for Mrs. Q. W. (Louise) Joiner.

S. R. No. 106—By Senator Watson: Memorial resolution for John A. Urbanovsky.

S. R. No. 108—By Senator Watson: Memorial resolution for Oscar L. Dupre, Sr.

S. R. No. 109—By Senator Watson: Memorial resolution for The Reverend Ted E. McElroy, Jr.

S. R. No. 110—By Senator Watson: Memorial resolution for The Reverend Tom L. Daniel.

S. R. No. 111—By Senator Christie: Memorial resolution for Mrs. Paula Patton Liebson.

**Welcome and
Congratulatory Resolutions**

S. C. R. No. 15—By Senator Hightower: Extending invitation to Athletes in Action for Campus Crusade for Christ and NFL Players to speak and play in Austin.

H. C. R. No. 29—Extending congratulations to Rodent Predatory Animal Control Service.

S. R. No. 100—By Senator Brooks: Extending congratulations to recipients of Carnegie Hero Fund Commission citation.

S. R. No. 107—By Senator Moore: Extending congratulations to First Baptist Church of Calvert on its 103rd Anniversary.

Adjournment

Senator Mauzy moved that the Senate adjourn until 5:10 o'clock p.m. today.

Senator Creighton made the substitute motion that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn until 10:00 o'clock a.m. tomorrow, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote:

Yeas—7

Blanchard	Kennard
Connally	Moore
Creighton	Patman
Harris	

Nays—21

Aikin	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Schwartz
Brooks	Sherman
Christie	Snelson
Grover	Tippen
Harrington	Wallace
Herring	Wilson
Hightower	Word
Jordan	

Paired—2

Hall	Watson
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Absent—Excused

Bates

PAIRED

Senator Watson (present), who would vote "Yea," with Senator Hall (absent), who would vote "Nay."

Question recurring on the motion to adjourn until 5:10 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 5:07 p.m. today adjourned until 5:10 o'clock p.m. today.

APPENDIX

Sent to Governor

October 11, 1972

S. C. R. No. 9

S. C. R. No. 10

S. B. No. 36
S. C. R. No. 11
S. C. R. No. 12
S. B. No. 18
S. B. No. 30
S. B. No. 19

SEVENTH DAY

(Wednesday, October 11, 1972)

The Senate met at 5:10 o'clock p.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates Hall

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Bridges.

Morning Call Dispensed With

On motion of Senator Word and by unanimous consent, Morning Call was dispensed with.

Committee Substitute
Senate Bill 16 on Third Reading

The Presiding Officer laid before the Senate on its third reading and final passage:

C. S. S. B. No. 16, A bill to be entitled "An Act relating to competitive rates and rate-making authority for all lines of insurance except those specified herein as being subject to the provisions of this Act; providing procedures, methods, regulations, and safeguards for carrying out the provisions of this Act; etc., and declaring an emergency."

(President in Chair)

The bill was read third time and passed by the following vote:

Yeas—20

Aikin	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Sherman
Grover	Snelson
Harrington	Tippen
Herring	Wallace
Hightower	Wilson

Nays—8

Blanchard	Moore
Creighton	Patman
Harris	Watson
Kennard	Word

Paired—2

Connally Hall

Absent—Excused

Bates

PAIRED

Senator Connally (present), who would vote "Nay," with Senator Hall (absent), who would vote "Yea."

At Ease

The President announced at 5:20 o'clock p.m. the Senate would Stand at Ease Subject to Call by the Chair.